

**TIMOTHY D. KELLY, P.A.**

Attorneys at Law  
3720 IDS Center  
80 South Eighth Street  
Minneapolis, Minnesota 55402

SARAH E. BUSHNELL  
[sbushnell@timkellypa.com](mailto:sbushnell@timkellypa.com)

TELEPHONE  
(612) 349-6171

FAX  
November 1, 2012

(612) 349-6416

**VIA CM/ECF WITH PERMISSION**

Honorable Ann D. Montgomery  
United States District Court Judge  
13W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, Minnesota 55415

Re: *John Hancock Life Insurance Company, et al. v. Ally Financial Inc., et al.*  
Case No. 0:12-cv-01841-ADM-TNL

Dear Judge Montgomery:

Pursuant to my October 25, 2012 conversation with Gertie Simon, this letter confirms that all Defendants withdraw the pending motions to dismiss scheduled to be heard on January 8, 2013.

The subject motions were directed to the Plaintiffs' original Complaint. On October 15, 2012, Plaintiffs filed an Amended Complaint. On October 30, 2012, pursuant to a stipulation of the parties, Magistrate Judge Leung granted Defendants an extension to December 14, 2012 to respond to the Amended Complaint. The Defendants intend to move to dismiss the Amended Complaint and will contact Ms. Simon for a new hearing date contemporaneous with the filing of the motions and supporting papers.

With Kindest Regards,

*s/ Sarah E. Bushnell*

Sarah E. Bushnell

cc: All Counsel of Record (via CM/ECF)